

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2018-JUN-07, AT 7:00 P.M.

Present: Councillor I. W. Thorpe, Chair
Councillor S. D. Armstrong (via telephone)
Councillor J. A. Kipp
Councillor J. Hong
Councillor W. M. Yoachim

Absent: Mayor W. B. McKay
Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. W. Fuller

Staff: D. Lindsay, Director of Community Development
D. Fox, Manager of Building Inspections
B. Zurek, Planner (vacated 7:36 p.m.)
K. Kronstal, Social Planner (vacated 7:36 p.m.)
S. Snelgrove, Deputy Corporate Officer
J. Vanderhoef, Recording Secretary
G. Whitters, Steno, Legislative Services

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

The Special Council Meeting was called to order at 7:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 8(c) – “Official Community Plan Amendment Bylaw 2018 No. 6500.038” – replace bylaw to correct amended second reading.

3. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing Meeting was called to order at 7:02 p.m. Acting Mayor Thorpe spoke regarding the purpose of a Public Hearing, advised that Council was meeting on the traditional territory of the Snuneymuxw First Nation and advised of the standard protocols for a Public Hearing.

5. PUBLIC HEARING AGENDA:

Dale Lindsay, Director of Community Development, explained the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*.

(a) Official Community Plan Amendment Application No. OCP87 and Zoning Amendment Application No. RA386 – 40 Maki Road

Introduced by Brian Zurek, Planner.

Presentation:

1. Mark Kuhn, on behalf of Des Bosa of Deer Lake Properties Inc., the applicant, spoke in favour of OCP Amendment Application No. OCP87 and Zoning Amendment Application No. RA386 – 40 Maki Road and spoke regarding the following:

- requested that the land use designations be changed to Light Industrial and Service Industrial Enterprise Area;
- property is currently occupied by a self-storage facility;
- currently 450 lockers within the facility, with plans to build another 150 next year;
- the property was originally designated Light Industrial (I2);
- in 2007 the property was issued a phased comprehensive development permit to begin construction of the self-storage facility;
- applicant was not informed of any future changes to the rezoning;
- in 2011 “City of Nanaimo Zoning Bylaw 2011 No. 4500” changed the zoning to Residential (R1) which made the facility non-conforming;
- zoning change has created issues with the business’s insurance provider and finances;
- the self-storage facility is part of the business community on Maki Road, and the applicant feels it is the best use of the property for this area;
- there is a sensitive marsh area behind the property and the storage units are less harmful to the marsh than a residential property would be; and,
- the applicant has consulted with the Chase River Community and they have indicated support for this amendment application.

Acting Mayor Thorpe called for submissions from the public:

No one in attendance wished to speak regarding OCP Amendment Application No. OCP87 and Zoning Amendment Application No. RA386 – 40 Maki Road.

Acting Mayor Thorpe called for submissions from the public for a second time:

No one in attendance wished to speak regarding OCP Amendment Application No. OCP87 and Zoning Amendment Application No. RA386 – 40 Maki Road.

Acting Mayor Thorpe called for submissions from the public for a third time:

No one in attendance wished to speak regarding OCP Amendment Application No. OCP87 and Zoning Amendment Application No. RA386 – 40 Maki Road.

(b) Official Community Plan Amendment Application OCP86 and Rezoning Application RA384 - 801, 1150, and 1151 Nanaimo Lakes Road

Introduced by Brian Zurek, Planner.

Acting Mayor Thorpe called for submissions from the public:

1. Bob Morris, 1902 Latimer Road, trustee of the Nanaimo and District Protective Fish and Game Protective Association, spoke in favour and stated that he endorsed the proposal which encourages recreation and parklands.
2. Wayne Harley, 1249 Nanaimo Lakes Road, spoke in favour and asked what areas were included within the proposed bylaw.
3. Sherry Dedla, 1825 Summerhill Place, spoke in favour stating it is a beautiful space and hopes it will stay that way in the future.
4. Robert Fuller, 3350 Hammond Bay Road, spoke in favour of the proposed amendment application and spoke regarding:
 - public feedback is mostly in favour of the application;
 - Douglas Fir eco-systems being protected; and,
 - suggested Council vote to preserve these lands for future generations.
5. Jeff Soloman, 655 Six Street, President, Colliery Dams Park Preservation Society, and Director of the Harewood Neighbourhood Association, spoke in favour and stated that this is an opportunity to preserve this greenspace for the community.

Acting Mayor Thorpe called for submissions from the public a second time.

No one in attendance wished to speak regarding Official Community Plan Amendment Application OCP86 and Rezoning Application RA384 - 801, 1150, and 1151 Nanaimo Lakes Road.

Acting Mayor Thorpe called for submissions from the public a third time.

No one in attendance wished to speak regarding Official Community Plan Amendment Application OCP86 and Rezoning Application RA384 - 801, 1150, and 1151 Nanaimo Lakes Road.

(c) Port Drive Waterfront Master Plan

Introduced by Karin Kronstal, Social Planner.

Acting Mayor Thorpe called for submissions from the public:

1. Garry Weikum, 87 Captain Morgans Boulevard, Protection Island Neighbourhood Association Representative, spoke in favour and thanked Staff for including a future service ramp in the Port Drive Waterfront Master Plan.

Acting Mayor Thorpe called for submissions from the public a second time.

No one in attendance wished to speak regarding Port Drive Waterfront Master Plan.

Acting Mayor Thorpe called for submissions from the public a third time.

No one in attendance wished to speak regarding Port Drive Waterfront Master Plan.

Sky Snelgrove, Deputy Corporate Officer, advised that there had been four written submissions received regarding the Port Drive Waterfront Master Plan and that they had been distributed to Council prior to the start of the meeting.

6. FINAL CALL FOR SUBMISSIONS:

Acting Mayor Thorpe announced that following the close of a Public Hearing, no further submission or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

7. ADJOURNMENT OF THE PUBLIC HEARING:

It was moved and seconded that the Public Hearing adjourn at 7:26 p.m. The motion carried unanimously.

8. BYLAWS:

(a) “Official Community Plan Amendment Bylaw 2018 No. 6500.036”

It was moved and seconded that “Official Community Plan Amendment Bylaw 2018 No. 6500.036” (OCP86 – To re-designate from Resource Protection to Parks and Open Space a portion of 801, 1150, and 1151 Nanaimo Lakes Road; and to designate a separate portion of 801 Nanaimo Lakes Road as Parks and Open Space) pass third reading. The motion carried unanimously.

(b) “Official Community Plan Amendment Bylaw 2018 No. 6500.037”

It was moved and seconded that “Official Community Plan Amendment Bylaw 2018 No. 6500.037” (To amend the Official Community Plan to include the Port Drive Waterfront Master Plan) pass third reading. The motion carried.

Opposed: Councillor Yoachim

(c) “Official Community Plan Amendment Bylaw 2018 No. 6500.038”

It was moved and seconded that “Official Community Plan Amendment Bylaw 2018 No. 6500.038” (OCP87 – To re-designate 40 Maki Road on the Future Land Use Plan (Map 1) from ‘Neighbourhood’ to ‘Light Industrial’; and to re-designate 40 Maki Road on the Chase River Neighbourhood Plan Land Use schedule A from ‘Low-Medium Density Residential’ to ‘Service Industrial Enterprise Area’) pass third reading. The motion carried unanimously.

(d) “Zoning Amendment Bylaw 2018 No. 4500.114”

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.114” [RA384 - To rezone a portion of 801 and 1150 Nanaimo Lakes Road from Rural Resource (AR1) to Parks, Recreation and Culture One (PRC1); to rezone a portion of 801, 1150, and 1151 Nanaimo Lakes Road from Rural Resource (AR1) to Parks, Recreation and Culture Two (PRC2); and to rezone a portion of 1151 Nanaimo Lakes Road from Community Service Two (CS2) to Parks, Recreation and Culture Two (PRC2)] pass third reading. The motion carried unanimously.

(e) “Zoning Amendment Bylaw 2018 No. 4500.119”

It was moved and seconded that “Zoning Amendment Bylaw 2018 No. 4500.119” (RA386 - To rezone 40 Maki Road from Single Dwelling Residential-R1 to Highway Industrial-I1) pass third reading. The motion carried unanimously.

K. Kronstal and B. Zurek vacated the Shaw Auditorium at 7:36 p.m.

9. REPORTS:

(a) Bylaw Contravention Notice - Construction Started Without a Building Permit – 387 Cordan Street

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Thorpe requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit – 387 Cordan Street.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started without a Building Permit - 387 Cordan Street.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 387 Cordan Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(b) Bylaw Contravention Notice - Construction Started Without a Building Permit – 1881 Dufferin Crescent

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Thorpe requested Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit – 1881 Dufferin Crescent.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit -1881 Dufferin Crescent.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 1881 Dufferin Crescent for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(c) Bylaw Contravention Notice - Construction Started Without a Building Permit – 217 Shiloh Drive

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Thorpe requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit – 217 Shiloh Drive.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 217 Shiloh Drive.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 217 Shiloh Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(d) Bylaw Contravention Notices - Secondary Suites

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Thorpe requested that Council hear anyone wishing to speak with respect to the unauthorized suites at 360 Summit Drive, 1127 Thunderbird Drive and 5933 Broadway Road.

1. Kent Craig spoke regarding 360 Summit Drive and what is being done to prepare a complete set of plans for a building permit application in order to make the suite comply with requirements for a legal suite.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the following properties:

1. 1127 Thunderbird Drive – illegal secondary suite
2. 5933 Broadway Road – illegal secondary suite

The motion carried unanimously.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for an illegal suite at 360 Summit Drive if a building permit application has not been submitted within forty five (45) days. The motion carried unanimously.

10. ADJOURNMENT:

It was moved and seconded at 7:49 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER